

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ROBERT HAGEN AND
DALE HAGEN,

Plaintiffs,

No. 08-1197

U-HAUL CO. OF TENNESSEE;
KEITH O'BRIEN INDIVIDUALLY,
AND D/B/A WEST TENNESSEE MOVING
COMPANY; RONALD MATHISON,
INDIVIDUALLY, AND D/B/A GOLDEN EAGLE
TRANSPORTATION; U-HAUL
INTERNATIONAL, INC.; U-HAUL CO.
OF ARIZONA; AND GENERAL MOTORS
CORPORATION,

Defendants.

ORDER DISMISSING WITHOUT PREJUDICE MOTIONS TO DISMISS BECAUSE OF
BANKRUPTCY STAY

Defendant, General Motors Corporation (“GM”), filed two motions to dismiss in this case—one on March 3, 2009, and the other on May 1, 2009. (Docket Entry (“D.E.”) Nos. 30 and 32.) Subsequently, on June 9, 2009, GM filed a notice of bankruptcy with this Court. (D.E. No. 45.) This bankruptcy operates, *inter alia*, to stay “any new or further action against General Motors Corporation [. . .] pursuant to section 362 of the Bankruptcy Code.” (*Id.* at p. 1.) Inasmuch as this bankruptcy stay prevents the Court from proceeding as to any motions that will affect GM’s rights or legal status as a party to this case—either positively or negatively—the Court hereby DISMISSES WITHOUT PREJUDICE GM’s two pending motions to dismiss. If and when the bankruptcy stay is lifted as to GM, it is free to re-file its motions to dismiss at that time if it so chooses.

IT IS SO ORDERED this, the 17th day of February, 2010.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE